

**REMARKS**

Applicants respectfully traverse the indefiniteness rejections of the pending claims. In that regard, consider the nature of the optical disk recited in claim 1. Specifically, as amended, it has a read-only portion for prerecorded content and a writable portion for written content. No new matter is added. Each portion may have its own identifier. However, what is the danger from hackers with respect to such a disk? Clearly, a hacker cannot write to the read-only portion. That portion can only be mastered during the manufacture of the disk. Instead, a hacker can only write to the writable portion. Now suppose the mastered content pressed into the read-only portion is content that a hacker wishes to obtain improper access to. The hacker could take one disk with the mastered content and copy it to the writable portion of another disk. However, the method recited in claim 1 detects such unauthorized action because in copying the content in the read-only portion to the writable portion, the accompanying read-only identifier has now been copied to the writable portion. In that regard, Applicants respectfully note the statutory requirement of claims as set forth in the 2<sup>nd</sup> paragraph of 35 U.S.C. 112: the "specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." (emphasis added).

Here, what is regarded as the invention is the detection of unauthorized actions when a pre-recorded identifier is seen in the writable portion. Applicant respectfully notes that there is nothing in this statute that demands an inventor claim ancillary and irrelevant details such as "if the identifier is not located in the [writable] portion" -- clearly, as set forth above, with regard to Applicants' invention, a hacker only has access

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to the writeable portion, thus Applicants are under no statutory obligation to claim irrelevant details such as "if a pre-recorded identifier is in the read-only portion as it should be, then everything is kosher." Applicants respectfully submit that such a detail would be abundantly clear to anyone of ordinary skill once they have appreciated Applicants' invention. To illustrate this point further, consider the many millions of claims to electronic devices in issued U.S. patents -- if the innovation has nothing to do with the power supply such as, for example, a particular receiver topology, you typically see no power supply being recited. But is one of ordinary skill then stymied from practicing the invention because a necessary item such as a power supply is not recited? -- clearly not, all those that can read and write would know that the claimed receiver also needs a power supply to function. The inventor did not claim the power supply because it had nothing to do with his innovation -- referring back to the statute, it was not something the inventor "regarded as his invention." In sum, one of ordinary skill is not hindered from practicing the claimed methods in the present application and thus Applicants respectfully decline from limiting their claims with ancillary and irrelevant details with respect to the invention -- instead, it the invention that is being claimed.

With respect to the prior art rejections, Applicants immediately note that the Harada reference (USP 6,581,160) makes no disclosure or suggestion of an optical disk having a read-only and a writeable portion. Instead, the "portable medium (PM)" of Harada as shown in Figure 3 is clearly an active electronic device that includes controller 130. That it is an electronic device on a circuit board is further illustrated by Harada describing the loading of the PM into a PCMCIA card slot in Col. 6, lines 5-7. In that regard, note that the problems of hackers writing stolen content to the writeable portion

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of PM is not the same as with respect to writing to a disk. The Harada medium is not an inanimate media such as an optical disk in which you can write content to as one desires. Instead, controller 130 is on PM and can police these problems. As part of this policing, the controller monitors revocation lists. As discussed with respect to Figure 4 in Col. 9, lines 3 - 12, a first revocation list RL-M (the master revocation list) is mastered upon manufacture within ROM 132. This master list has the serial numbers of hosts (such as PCs that can accept PM 13 within the appropriate PCMCIA slot) that are revoked. Because additional devices may need revoking after manufacture of PM 13, additional revocation lists are maintained in writeable region 132a.

But note the glaring distinction from the problem addressed by the Applicants – the PM is not a disk that contains mastered content that one would copy. Instead, it is an active device that is not sold having content already mastered into it. Instead, only the revocation list is mastered. The content is then later downloaded. There is no opportunity for a hacker to copy mastered content having a pre-recorded identifier that is then placed in the writeable area. If content from the master revocation list is copied to the writeable revocation lists, that is OK – the devices are still revoked (although Applicants note that such a problem is not possible because the controller prevents access to the master revocation list). In that regard, applicants respectfully note that Harada in no way discloses or teaches Applicants' method recited in claim 1. All Harada is discussing is the necessary updating of the writeable revocation lists. If a device's serial number turns up on the lists, the device is revoked.

Because claims 2, 3, and 9 depend either directly or indirectly upon claim 1, they are patentable for at least the same reasons. Claim 15 has been amended analogously to

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claim 1 and is patentable over the art of record for the same reasons. Because claims 17, 18 and 21 depend upon claim 15, they are patentable for at least the same reasons. Claim 22 has also been amended analogously to claim 1 and is patentable over the art of record for the same reasons.


### CONCLUSION

For the foregoing reasons, pending claims 1, 2, 3, 9, 15, 17, 18, 21, and 22 are in condition for allowance.

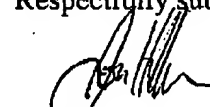
If there are any questions regarding any aspect of the application, please call the undersigned at 949-752-7040.

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